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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

CV'09   639   PK

BARBARA GIFFORD and KEVIN
GIFFORD,

Case No.:

Plaintiffs,

TEMPORARY RESTRAINING ORDER
~~(PROPOSED)~~

v.

BANK OF AMERICA, COUNTRYWIDE
HOME LOANS, INC, a New York
corporation, dba COUNTRYWIDE
BANK; and HYPERION CAPITAL
GROUP, LLC.

Defendants.

This matter came before the court on June 9 , 2009, for hearing on plaintiffs' motion

for a temporary restraining order. The court having considered the oral and written arguments of

the parties and the affidavits filed herein, finds sufficient grounds for concluding that irreparable

injury to the plaintiffs will occur unless the status quo is preserved by this temporary restraining

order until a hearing on plaintiffs' motion for a preliminary injunction can be heard.

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The Court also finds Ps have made a sufficient showing (preliminarily) of likely success on the merits entitling them to rescission.

The Court finds that the foreclosure scheduled for June 11, 2009 should be restrained, as the possible harm that would inure to the plaintiffs would be irreparable.

The Court further finds that plaintiffs' counsel has made an effort to notify defendants; however the short timeline involved requires <u>that</u> no notice issue.

Pursuant to Fed. R. Civ. P. 65,

Therefore, it is ordered as follows:

1. Defendants, or any agents thereof, are temporarily restrained from seeking to foreclose on the plaintiffs' home located at 2031 SE 90th Pl., Portland, Oregon 97216.

2. This temporary restraining order will remain in effect until a hearing ~~on plaintiffs'~~ *to consider extending this TRO, which is* ~~motion for a preliminary injunction~~ set for the *19th* day of June, 2009 at *8:30 a.m.* ~~o'clock~~, or subject to further order of this court. *in Room 14A of The Mark O. Hatfield United States Courthouse, Portland, OR. 97204.*

3. This temporary restraining order shall become effective immediately upon entry by the court which is *4:00 p.m.* o'clock ____, June *9*, 2009.

4. The plaintiffs are not required to post a bond or other security, as such a requirement could deny the plaintiffs judicial review. ~~Alternatively, the plaintiff's shall post a bond or other security in the amount of~~ _____.

5. *Ps shall serve a copy of this TRO on all defendants in the manner required for service of process.*

DATED this *9th* day of June, 2009.

_____
U.S. District Court Judge